

## REMARKS

Claims 14 and 17-24 are pending in the application. The anticipation rejection of claim 14 by Tindall (US 970,406) has not been repeated and is assumed to be overcome.

### Alleged Obviousness of Claims 14 and 17-24 over Tindall (US 970,406) in view of McCall, et al. (US 5,000,599)

Independent claim 14 and dependent claims 17-24 are again rejected as being obvious over Tindall in view of McCall. In the present office action the Examiner has clarified what he understands to be a motivation for combining references and modifying Tindall in view of McCall. The Examiner wrote:

In this case, McCall et al clearly teach[es] the desirability of using a viscous medium in the chamber having vents between the chamber. In col. 1, lines 52-65, McCall et al set forth some of the problems with air filled grips, namely grip's tendency to spring back immediately to its undeformed state. By filling the chambers with a viscous medium, McCall et al create a grip "that assumes a custom fit configuration when gripped for enhanced user comfort and reduced fatigue" and "retains the custom fit configuration for a substantial period of time" (col 2, lines 9-13). By retaining such configuration, "the grip can be released and regripped by the same user without undergoing significant shape change" (col 2, lines 34-38). Thus McCall et al clearly provide motivation to one skilled in the art to replace the air chambers of Tindall with chambers filled with a viscous medium.

Respectfully, the Examiner is mistaken. McCall does not provide motivation for modifying Tindall. This is because there is no suggestion in McCall that the grip of McCall would be suitable or beneficial on shears, while Tindall specifically teaches against using a grip in several respects like that of McCall.

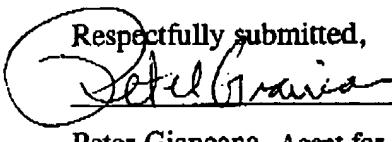
Where the Examiner wrote, "McCall et al clearly teach[es] the desirability of using a viscous medium..." it must be remembered that McCall only taught this for writing implements, paint brushes and jeweler's tools. McCall never taught that his grip may be desirable on shears. Furthermore, where the Examiner wrote, "McCall et al set forth some of the problems with air filled grips...", it must be remembered that McCall only identified problems with air filled grips as they had been used on writing implements. There is no suggestion in McCall that air filled grips had been a problem on shears. Therefore, there is no motivation in McCall to modify the shears of Tindall. On the other hand, there is in Tindall, a

specific suggestion and motivation not to use a grip like McCall's on shears. Tindall wrote at column 2, line 111 to column 3, line 6:

Attention is called to the fact that the tubular cushions employed in connection with the eyes or loops of the shears of scissors handles may be filled with air at atmospheric pressure, or at any greater pressure, as may be desired, thus giving the cushion tubes any desired resistance, the same as pneumatic tires, or air tubes for other purposes.

Tindall teaches that the tubular cushions are filled with air, at or above atmospheric pressure. The purpose of the air at or above atmospheric pressure is to provide the desired resistance to deformation, "the same as pneumatic tires". Clearly, Tindall does not want grips that maintain a deformation after being released. Tindall specifically finds desirable grips that offer resistance against the hand of the user. While McCall may suggest that a grip that maintains its deformation is suitable for a writing implement, McCall teaches the opposite regarding shears. This may be because writing implements and shears are used differently. Writing implements are gripped firmly with steady pressure during use. Shears, on the other hand are repeatedly opened and closed, alternately applying pressure to the finger loops and relaxing that pressure. It may be (Tindall does not say) that the resistance provided by the air filled tubes aids in opening the shears. At any rate, Tindall specifically teaches against the grip of McCall in relation to shears. Looked at another way, if a viscous medium is put inside the tubular grips of Tindall, Tindall's grips will have been rendered inoperative for their intended purpose, i.e. the grips will be unable to provide the desired resistance. In conclusion, claims 14, 17-24 are not obvious over Tindall in view of McCall because there is no motivation to combine, because Tindall teaches away from McCall and because the primary reference would be rendered inoperative for its intended purpose,. Allowance of these claims is respectfully requested.

Respectfully submitted,



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